

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

PACIFIC LIFE INSURANCE COMPANY and  
PACIFIC LIFE & ANNUITY COMPANY,

Plaintiffs,

- against -

U.S. BANK NATIONAL ASSOCIATION and  
BANK OF AMERICA, N.A.,

Defendants.

Case No. 1:16-cv-00555-PGG

**BANK OF AMERICA, N.A.'S NOTICE OF MOTION TO DISMISS  
PLAINTIFFS' AMENDED COMPLAINT**

MUNGER, TOLLES & OLSON LLP

James C. Rutten

Jacob S. Kreilkamp

Wesley T.L. Burrell

Matthew K. Donohue

350 South Grand Avenue, 50th Floor

Los Angeles, California 90071-3426

(213) 683-9100; (213) 687-3702 (fax)

james.rutten@mto.com

jacob.kreilkamp@mto.com

wesley.burrell@mto.com

matthew.donohue@mto.com

SIDLEY AUSTIN LLP

David F. Graham

One South Dearborn Street

Chicago, Illinois 60603

(312) 853-7000; (312) 853-7036 (fax)

dgraham@sidley.com

SIDLEY AUSTIN LLP

Isaac S. Greaney

Daniel Gimmel

Jon W. Muenz

787 Seventh Avenue

New York, New York 10019

(212) 839-5300; (212) 853-5599 (fax)

igreaney@sidley.com

dgimmel@sidley.com

jmunz@sidley.com

*Attorneys for Defendant Bank of America, N.A.*

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law in Support of Defendant Bank of America, N.A.'s Motion to Dismiss Plaintiffs' Complaint, dated February 20, 2018; the Declaration of Matthew K. Donohue executed on February 20, 2018, and the exhibits thereto; the Declaration of Jay Miller, executed on November 8, 2017, and the exhibit thereto; Defendant U.S. Bank National Association's Motion to Dismiss Plaintiffs' Complaint, dated February 20, 2018; the accompanying Declaration of David Adler, and the exhibits thereto; and all prior pleadings and proceedings herein, defendant Bank of America, N.A., moves this Court, before the Honorable Paul G. Gardephe, at the Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 705, New York, New York, as soon as counsel may be heard, for an order pursuant to Federal Rules of Civil Procedure 12(b)(6) dismissing, without further leave to replead, Plaintiffs' Complaint for failure to state a claim.

//

//

//

//

//

//

//

//

//

//

//

//

Respectfully submitted,

Dated: February 20, 2018

BANK OF AMERICA, N.A.

By: /s/ James C. Rutten  
MUNGER, TOLLES & OLSON LLP  
James C. Rutten  
Jacob S. Kreilkamp  
Wesley T.L. Burrell  
Matthew K. Donohue  
350 South Grand Avenue, 50th Floor  
Los Angeles, California 90071-3426  
(213) 683-9100; (213) 687-3702 (fax)  
james.rutten@mto.com  
jacob.kreilkamp@mto.com  
wesley.burrell@mto.com  
matthew.donohue@mto.com

SIDLEY AUSTIN LLP  
David F. Graham  
One South Dearborn Street  
Chicago, Illinois 60603  
(312) 853-7000; (312) 853-7036 (fax)  
dgraham@sidley.com

SIDLEY AUSTIN LLP  
Isaac S. Greaney  
Daniel Gimmel  
Jon W. Muenz  
787 Seventh Avenue  
New York, New York 10019  
(212) 839-5300; (212) 853-5599 (fax)  
igreaney@sidley.com  
dgimmel@sidley.com  
jmuenz@sidley.com

*Attorneys for Defendant Bank of America, N.A.*